

### **REMARKS**

This responds to the Office Action mailed October 25, 2005 in connection with the above identified patent application. Prior to entry of this amendment, original claims 1-4 were pending in the application.

By this amendment, claims 1, 2 and 3 have been cancelled, independent claim 8 has been added and claim 4 has been amended.

In particular, it is to be noted that no new matter has been introduced in amending the set of claims, since the amended set of claims contains only limitations that were disclosed in the original specification.

In particular, new claim 8 is supported by what disclosed in original claims 1, 2, 3 and 5.

Claim 4 has been amended for consistency with new independent claim 8.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

### **Claim Rejection - 35 U.S.C. 112**

According to 35 U.S.C. § 112, the specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Applicant respectfully traverses the Examiner's rejection because the claims as amended, now comply with 35 U.S.C. § 112.

Since the Applicant has deleted claims 1-3, the rejection to previously amended claims 1 to 4 under 35 U.S.C. 112 is overcome.

### **Claim Rejection - 35 U.S.C. 102**

For a reference to anticipate an invention, all of the elements of that invention must be present in the reference. The test for anticipation under section 102 is whether each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP §2131.

Applicant respectfully traverses the Examiner's rejection because all of the elements of the presently claimed invention are not present in the cited prior art.

Claims 1 to 4 have been rejected under 35 U.S.C. 102(b) as being anticipated by Boeckel (US 3,303,995).

According to the Examiner, Boeckel discloses a ventilation unit having an electric motor with an output shaft that is fitted with a fan having a cup-shaped central body and plural blades. The central body is defined by a base wall and an annular wall, from whose outer face the blades extend. The central body presents a plurality of equally spaced through windows, formed close to the peripheral edge of the base wall.

With respect to new claim 8, Boeckel fails to disclose that the plurality of through windows are each formed in the gap between two adjacent blades of the central body.

In other words, Boeckel presents a number of equally spaced through windows placed also in correspondence of the blades, and not only placed each between two adjacent blades. This configuration does not allow to channel out any condensate formed inside the central body, without interfering with the blades.

The solution disclosed by Boeckel shows different openings on the base wall which cooperate with other openings formed in a disc of the motor support, opposite to the base wall and perpendicular to the rotor shaft, for drawing air from the downstream over the motor windings to the upstream end of the central body. Here the air is quickly removed under the action of the main air stream. The aim of the fan disclosed by Boeckel is simply cooling the fan motor.

Therefore, independent claim 8 is new with respect to the cited prior art document by Boeckel.

Independent claim 8 is also new over previously cited document US 4,583,911 to Braun.

According to the Examiner, Braun discloses a ventilation unit having an electric motor with an output shaft that is fitted with a fan having a cup-shaped central body and plural blades. The central body is defined by a base wall and an annular wall, from whose outer face the blades extend. The annular wall presents a plurality of circumferentially spaced apart openings which provide communication between the chamber defined by the central body and the upstream side of the air flow produced by the propeller blades.

Braun shows openings also on the base wall of the central body (or *hub 16*), in an axial position, which communicate with the lateral openings of the annular wall. This configuration creates a multiple fluid pathway through the central body (named *hub fluid flow 38* by Braun) which, combined with the axial fluid flow conventionally produced by the blades, provides an increased flow to the energy converter. This added axial flow increases the performance of the electric motor.

With respect to new claim 8, Braun fails to disclose a plurality of through windows which are formed close to the peripheral edge of said base wall.

The Applicant wants to underline that the specification that the windows, in the present application, are formed in the annular wall and are placed close to the peripheral edge implies that the windows are placed on the corner of the central body.

Therefore, independent claim 8 is new also with respect to the cited prior art document by Braun.

In the current Office Action, the Examiner has presented a new document where claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by GB 1,414,891 to French.

According to the Examiner, this document shows a ventilation unit having an electric motor with an output shaft that is fitted with a fan having a cup-shaped central body and a plural blades. The central body is defined by a base wall and an annular wall, from whose outer face the blades extend.

There are also a plurality of through windows formed only in the base wall, in the gap between adjacent blades.

The Examiner affirms that the windows are formed close to the peripheral edge of the base wall. The Applicant respectfully disagrees with this assertion, since figure 1 of French shows that the through windows are placed on the base wall, far from the peripheral edge, that is far from the corner of the central body.

Therefore, French fails to disclose both the windows placed close to the peripheral edge and the windows formed in the annular wall.

Therefore, new independent claim 8 is new also with respect to the cited prior art document French.

Applicant wants to underline that independent claim 8 is also inventive over the prior art since neither Boeckel nor Braun teach or suggest to channel condensate out of the central body as described in new claim 8 of the present application.

Indeed, the technical problem faced and solved by the present application is channeling out, by centrifugal force, the condensate which is formed inside the central body. For this reason it is necessary to provide the central body only with through windows placed in the annular wall and in a position close to the peripheral edge, that is on the corner of the central body, so to facilitate a more effectively outwards channeling of the condensate.

An important feature is also to have windows spaced in the gap between two adjacent blades, so the condensate does not go on the blades, interfering with them.

It is to be noted that it is counter-productive having windows placed on the base wall since if the ventilation unit is installed outside the vehicle, it is protected against infiltration by rainwater thus safeguarding electric motor against damage by water, so increasing the working life of electric motor itself, as written on page 4 lines 8-12 of the present application.

Applicant respectfully underlines that both the problem faced by Boeckel and the one faced by Braun are quite different from the one solved by the present application.

Applicant asserts that the combination between these two different inventions could not lead to the solution claimed by the present claim 8. In fact, considering Boeckel the closest prior art, Braun gives the suggestion of placing through windows in the annular wall, between two adjacent blades.

Therefore, the result would be a fan like the one of Boeckel with through windows both on the base wall and on the corner of the central body, and also on the annular wall between adjacent blades. It would not be obtained a fan with through windows only on the corner of the central body, each between two adjacent blades.

The obtained fan would not function in a correct way. In fact the through windows placed on the corner of the central body, from which the condensate should be channeled out, would be also placed in correspondence on the blades. In this way the condensate would spread over the surface of each blade, interfering with their functioning.

The through windows placed on the base wall and on the annular wall are not useful to the aim of the present invention.

In fact, the windows placed on the base wall are counter productive, as explained above.

Moreover, the windows placed on the annular wall, far from the peripheral edge, would not adequately protect the blades from the condensate. In fact, if the condensate exited from these lateral windows, it could spread also over the blades, interfering with them.

The new document French deals with an hair dryer. It faces the problem of avoiding the risk of a user's hair being drawn in through the air intake and becoming wrapped around the sleeve. There is no suggestion in this document to create through windows near the peripheral edge, to channel out the condensate formed inside the central body.

Also the combination of this document with Boeckel or with Braun would not lead to the claimed solution.

New claim 8 is felt to be also inventive over the available prior art.

Moreover, claim 4, which is dependent on claim 8, is also believed to be allowable for at least similar reasons.

Therefore, in view of the foregoing, reconsideration and withdrawal of the above rejections is respectfully requested.

### **Conclusion**

The prior art made of record but not applied by the Examiner has been carefully considered but is submitted to be less relevant than the references previously discussed.

Applicant No.: 10/766,520  
Art Unit: 3745  
Response to Office Action  
mailed October 25, 2005  
Attorney Docket No.: 26218

All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

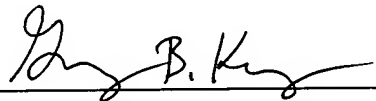
In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,  
**NATH & ASSOCIATES PLLC**

Date: January 24, 2006

**NATH & ASSOCIATES PLLC**  
112 South West Street

Alexandria, VA 22314  
Tel. (703) 548-6284  
Fax. (703) 683-8396

By:  \_\_\_\_\_

Gary M. Nath  
Registration No. 26,965  
Gregory B. Kang  
Registration No. 45,273  
Teresa M. Arroyo  
Registration No. 50,015  
Customer No. 20529